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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 FEDERAL TRADE COMMISSION,

15 Plaintiff,

16 vs.

17 MICROSOFT CORP.,

18 and

19 ACTIVISION BLIZZARD, INC.,

20 Defendants.
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CASE NO. 3:23-cv-2880

[PROPOSED] ORDER TO NVIDIA CORPORATION'S STATEMENT IN SUPPORT OF SEALING REGARDING ADMINISTRATIVE MOTION TO CONSIDER WHETHER ANOTHER PARTY'S MATERIAL SHOULD BE SEALED (ECF 336)

The Honorable Jacqueline Scott Corley

[Proposed] Order

The Court, having fully considered the papers and arguments presented, hereby GRANTS Plaintiff's Administrative Motion to Consider Whether Another Party's Material Should Be Sealed (ECF 336) with respect to the following materials, which will remain sealed as follows:

Portions	Basis for Sealing
P. 41, ¶ 277, Lines 19-22	This portion directly references sealed parts of PX3069, an internal NVIDIA presentation entitled "GFN Review January 8, 2021," which describe NVIDIA's subscription pricing information and internal competitive analyses. Declaration of Azadeh Morrison ("Decl.") ¶ 6. NVIDIA does not share this information publicly, and disclosure of this information would reveal to NVIDIA's competitors information about NVIDIA's business decision-making and strategy, thereby competitively disadvantaging NVIDIA. <i>Id.</i> ¶¶ 10-11.
PP. 45-46, ¶ 301, Lines 45:26-46:2	This portion directly references parts of PX2186, an email exchange that includes an email between NVIDIA and Activision employees attaching an NVIDIA presentation entitled "GeForce NOW The Next Level January 2020." The referenced part of PX2186 contains NVIDIA's confidential market projections. Decl. ¶ 5. NVIDIA does not share this information publicly, and disclosure of this information would reveal to NVIDIA's competitors information about NVIDIA's market analyses strategy, thereby competitively disadvantaging NVIDIA. <i>Id.</i> ¶¶ 10-11.
P. 62, ¶ 385, Lines 9-12	This portion directly references sealed parts of PX7062, the transcript of the deposition of an NVIDIA executive, which describe sensitive information regarding NVIDIA's relationships with game developers. Decl. ¶ 8. NVIDIA does not share this information publicly, and disclosure of this information would reveal to NVIDIA's competitors information about NVIDIA's business relationships and decision-making, thereby competitively disadvantaging NVIDIA. <i>Id.</i> ¶¶ 10-11.
P. 78, ¶ 459, Lines 14-16	This portion directly references sealed parts of PX8000, the declaration of an NVIDIA executive, which describe sensitive information regarding NVIDIA's negotiations and relationship with a game publisher. Decl. ¶ 9. NVIDIA does not share this information publicly, and disclosure of this information would reveal to NVIDIA's competitors information about NVIDIA's business relationships and business decision-making, thereby competitively disadvantaging NVIDIA. <i>Id.</i> ¶¶ 10-11.
P. 80, ¶ 468, Lines 7-10	This portion directly references sealed parts of PX7060, the transcript of the deposition of an NVIDIA executive, which describe sensitive information regarding NVIDIA's data centers. Decl. ¶ 7. NVIDIA does not share this information publicly, and disclosure of this information would reveal to NVIDIA's competitors information about NVIDIA's technological capabilities, thereby competitively disadvantaging NVIDIA. <i>Id.</i> ¶¶ 10-11.
P. 82, ¶ 484, Lines 24-26	This portion directly references sealed parts of PX8000, the declaration of an NVIDIA executive, which describe sensitive information regarding NVIDIA's negotiations and relationship with a game publisher. Decl. ¶ 9. NVIDIA does not share this information publicly, and disclosure of this information would reveal to NVIDIA's competitors information about NVIDIA's business relationships and business decision-making, thereby competitively disadvantaging NVIDIA. <i>Id.</i> ¶¶ 10-11.

1 2 3 4	PP. 82-83, ¶ 485, Lines 82:27-83:2	This portion directly quotes from sealed parts of PX8000, the declaration of an NVIDIA executive, which describe sensitive information regarding NVIDIA's negotiations with a game publisher and internal analyses regarding those negotiations. Decl. ¶ 9. NVIDIA does not share this information publicly, and disclosure of this information would reveal to NVIDIA's competitors information about NVIDIA's business relationships and strategy, thereby competitively disadvantaging NVIDIA. <i>Id.</i> ¶¶ 10-11.
5 6 7	P. 85, ¶ 498, Lines 11-12	This portion directly quotes from sealed parts of PX7060, the transcript of the deposition of an NVIDIA executive, which describe sensitive information regarding NVIDIA's data centers. Decl. ¶ 7. NVIDIA does not share this information publicly, and disclosure of this information would reveal to NVIDIA's competitors information about NVIDIA's technological capabilities, thereby competitively disadvantaging NVIDIA. <i>Id.</i> ¶¶ 10-11.
8 9 10	P. 90, ¶ 529, Lines 16-18	This portion directly references and quotes from sealed parts of PX7060, the transcript of the deposition of an NVIDIA executive, which describe confidential contract negotiations with a business partner. Decl. ¶ 7. NVIDIA does not share this information publicly, and disclosure of this information would reveal to NVIDIA's competitors information about NVIDIA's contracts and business decision-making, thereby competitively disadvantaging NVIDIA. <i>Id.</i> ¶¶ 10-11.
11 12	P. 91, ¶ 535, Lines 8-10	This portion directly references nonpublic terms of PX1781, a confidential business agreement. Decl. ¶ 4. NVIDIA does not share this information publicly, and disclosure of this information would reveal to NVIDIA's competitors information about NVIDIA's currently-active contracts, <i>Id.</i> ¶¶ 10-11.
13 14	P. 91, ¶ 536, Lines 11-13	This portion directly references nonpublic terms of PX1781, a confidential business agreement. Decl. ¶ 4. NVIDIA does not share this information publicly, and disclosure of this information would reveal to NVIDIA's competitors information about NVIDIA's currently-active contracts, <i>Id.</i> ¶¶ 10-11.

IT IS SO ORDERED.

DATED: _____

HON. JACQUELINE SCOTT CORLEY
UNITED STATES DISTRICT JUDGE